

2023 -- S 0129 SUBSTITUTE A

LC000269/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- DRIVER PRIVILEGE CARDS AND PERMITS

Introduced By: Senators Cano, Ciccone, Quezada, Lawson, DiPalma, Burke, Murray, Acosta, Euer, and Kallman

Date Introduced: February 01, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 31-10.4 of the General Laws entitled "Driver Privilege
2 Cards and Permits [Effective July 1, 2023.]" is hereby amended to read as follows:

3 ~~CHAPTER 31-10.4~~

4 ~~Driver Privilege Cards and Permits [Effective July 1, 2023.]~~

5 CHAPTER 31-10.4

6 Driver Privilege Cards and Permits [Effective July 1, 2023.]; State Identification Cards [Effective
7 July 1, 2024.]

8 SECTION 2. Section 31-10.4-1 of the General Laws in Chapter 31-10.4 entitled "Driver
9 Privilege Cards and Permits [Effective July 1, 2023.]" is hereby amended to read as follows:

10 ~~31-10.4-1. Driver privilege cards and permits. [Effective July 1, 2023.] Driver~~
11 ~~privilege cards and permits [Effective July 1, 2023]; State identification cards [Effective July~~
12 ~~1, 2024];~~

13 (a) Upon application of any person, who otherwise meets the requirements of chapter 10
14 of this title, except is unable to establish legal presence in the United States, the division of motor
15 vehicles is authorized to issue a driver privilege card and/or driver privilege permit and/or Rhode
16 Island state identification card, to any applicant, if the division of motor vehicles determines that
17 the applicant:

18 (1) Has verification from the tax administrator that the applicant either has filed a personal

1 income tax return as a resident with this state for the tax year preceding the date of application or
2 has been claimed as a dependent on a personal income tax return by an individual who has filed a
3 personal income tax return as a resident with this state for the tax year preceding the date of
4 application;

5 (2) Presents two (2) primary proof of identity documents, as defined in § 31-10.4-5, or one
6 primary proof of identity document and one secondary proof of identity document, as defined in §
7 31-10.4-5;

8 (3) Presents two (2) proof of residency documents, which shall mean, for purposes of this
9 subsection, the proof of residency documents set forth in 280-RICR-30-00-1.4.1(D), as may be
10 amended from time to time; and

11 (4) Is not in violation of the insurance requirements, set forth in chapters 31 and 32 of this
12 title [provided that this subsection \(4\) shall not apply to the Rhode Island state identification card.](#)

13 (b) Notwithstanding any other provision of law to the contrary, the administrator of the
14 division of motor vehicles may provide information submitted by the applicant to the tax
15 administrator for the sole purpose of implementing subsection (a)(1) of this section, and such
16 information shall be kept confidential by the tax administrator.

17 [\(c\) Rhode Island state identification cards issued under this section shall be in the formats](#)
18 [required by the division of motor vehicles pursuant to §§ 3-8-6 and 3-8-6.1, respectively. The](#)
19 [division of motor vehicles may prescribe additional formatting requirements as it deems necessary](#)
20 [to further the provisions of this subsection.](#)

21 SECTION 3. Section 31-10.4-3 of the General Laws in Chapter 31-10.4 entitled "Driver
22 Privilege Cards and Permits [Effective July 1, 2023.]" is hereby amended to read as follows:

23 ~~**31-10.4-3. Confidentiality of documents — Privacy. [Effective July 1, 2023.]**~~
24 **Confidentiality of documents -- Privacy [Effective July 1, 2023.]; State identification cards**
25 **[Effective July 1, 2024.]**

26 (a) The division of motor vehicles shall not release the following information, relating to
27 the issuance of a driver privilege card or permit, [or Rhode Island state identification card](#), except
28 upon request by the subject of the information, the parent of a minor who is the subject of the
29 information, the guardian of the subject of the information, or the authorized representative of the
30 subject of the information, or pursuant to a court order:

31 (1) Proof documents submitted for the purpose of obtaining a driver privilege card or
32 permit [or Rhode Island state identification card](#);

33 (2) The information in the division of motor vehicles' records indicating the type of proof
34 documentation that was provided; or

1 (3) Applications.

2 (b) Notwithstanding any other law to the contrary, any document, including photo images,
3 provided by the applicant to the division of motor vehicles for purposes of proving the applicant's
4 eligibility for a non-commercial driver's license or permit or for renewal of such license or permit
5 or Rhode Island state identification card, under this section is not a public record and may not be
6 disclosed by the division, except to the person who is the subject of such records or in response to
7 a subpoena for individual records in a criminal proceeding or pursuant to a lawful court order.

8 (c) The division, and any agent or employee of the division, shall not disclose or make
9 accessible in any manner, records or information that he or she obtains or maintains under this
10 section, including photo images, to any federal, state, or municipal agency or to any employee or
11 agent of such agency for the purpose of enforcing immigration law, unless the division is presented
12 with a lawful court order or judicial warrant signed by a judge, appointed pursuant to article III of
13 the United States Constitution.

14 (1) Upon receiving a request for such records or information, the division shall, no later
15 than three (3) days after such request, notify the individual, about whom such information was
16 requested, informing the individual of the request and the identity of the agency that made the
17 request.

18 (d) The division shall require any agency or entity that receives or has access to records or
19 information from the division, including photo images, to certify, before such receipt or access, that
20 such person or entity shall not:

21 (1) Use such records or information for immigration enforcement purposes; or

22 (2) Disclose such records or information to any other agency or entity, or to any employee
23 or agent of any such agency or entity, unless that other agency or entity also certifies that the
24 information will not be used for purposes of enforcing immigration law.

25 SECTION 4. Chapter 31-10.4 of the General Laws entitled "Driver Privilege Cards and
26 Permits [Effective July 1, 2023.]" is hereby amended by adding thereto the following section:

27 **31-10.4-2.1. Issuance of state identification cards to individuals unable to establish**
28 **legal presence [Effective July 1, 2024.]**

29 (a) Rhode Island state identification cards shall confer the same privileges and shall be
30 subject to the same provisions of as those issued under chapter 8 of title 3, unless otherwise
31 provided, and shall be subject to the following conditions and exceptions:

32 (1) An applicant for a Rhode Island state identification card shall not be required to present
33 proof of legal presence in the United States or proof of a social security number, if the individual
34 does not have one;

1 (2) Any information collected pursuant to this section, that is not otherwise collected by
2 the division of motor vehicles or required for the issuance of any other credential issued pursuant
3 to the provisions of this chapter and any information regarding restrictions in the division of motor
4 vehicles' records, related to the issuance of a credential issued pursuant to this section, shall not be
5 considered a public record. The information shall not be released, except upon request by the
6 subject of the information, the parent of a minor who is the subject of the information, the guardian
7 of the subject of the information, or the authorized representative of the subject of the information,
8 or pursuant to a court order.

9 (b) A Rhode Island state identification card issued to any person who is unable to establish
10 legal presence in the United States shall not be a valid form of identification for official federal
11 purposes or state voting purposes.

12 (c) The applicant for a Rhode Island state identification card shall be required to comply
13 with all other applicable Rhode Island laws, rules, and regulations.

14 (d) A Rhode Island state identification card shall not be used as evidence of the holder's
15 citizenship or immigration status, and shall not be used as a basis for a criminal investigation, arrest,
16 or detention in circumstances where a person with a regular Rhode Island state identification card
17 would not be criminally investigated, arrested, or detained. Any person aggrieved by a violation of
18 this subsection may seek appropriate declaratory and/or injunctive relief and may be awarded
19 damages and costs, including attorneys' fees.

20 (e) It shall be a violation of chapter 112 of title 42 to discriminate against an individual
21 solely on the ground that they hold or present a Rhode Island state identification card, issued under
22 this section.

23 (f) No person who holds an driver privilege card or permit issued by this state under this
24 chapter or any other state shall be issued a Rhode Island state identification card.

25 SECTION 5. This act shall take effect on July 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- DRIVER PRIVILEGE CARDS AND
PERMITS

1 This act would allow the division of motor vehicles to issue a Rhode Island state
2 identification card to residents unable to establish lawful presence in the United States upon proof
3 of proper documentation as required with respect to driver privilege cards and permits.

4 This act would further provide that a state identification card so issued would not be valid
5 for voting purposes.

6 This act would take effect on July 1, 2024.

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